

REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL

August 18, 2003

2:00 p.m.

The Council of the City of Roanoke met in regular session on Monday, August 18, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended.

PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Pamela P. Crump, Pastoral Assistant for Christian Education, High Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

REGULAR SESSION

PRESENTATIONS AND ACKNOWLEDGMENTS:

PROCLAMATIONS-SPORTS ACTIVITIES: The Mayor presented a proclamation declaring Friday, August 29, 2003, as Hokie Pride Day.

CONSENT AGENDA

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to five closed sessions.

MINUTES: Minutes of the regular meeting of Council held on Monday, July 7, 2003, and recessed until Friday, July 18, 2003, were before the body.

Mr. Fitzpatrick moved that Council dispense with the reading of the minutes and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith -----7.

NAYS:-----0.

COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor as convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY COUNCIL-ACTS OF ACKNOWLEDGMENT: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss a special award, being the Shining Star Award, pursuant to Section 2.2-3711 (A)(10), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the Mayor as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

PURCHASE/SALE OF PROPERTY-CITY COUNCIL: A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended, was before the body.

Mr. Fitzpatrick moved that Council concur in the request of the City Manager as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

ZONING-ANNUAL REPORTS: A report of the Board of Zoning Appeals transmitting the annual report of the Board for fiscal years July 1, 2001 through June 30, 2002, and July 1, 2002 through June 30, 2003, was before Council.

It was advised that for fiscal year 2001-2002, the Board of Zoning Appeals held 12 regular public hearings and three specially called hearings, during which there were 14 variance requests, 47 special exception (use) requests, and three appeals to the Zoning Administrator's decisions; for fiscal year 2002-2003, the Board of Zoning Appeals held 11 regular public hearings, during which there were 14 variance requests, 37 special exception (use) requests, and no appeals to the Zoning Administrator's decisions.

It was further advised that in the current year, goals of the Board of Zoning Appeals are to: continue to serve the citizens and developers of the community in furthering the use, development and redevelopment of property through variances and special exceptions; continue to act as a discretionary administrative body and to make decisions in matters where a person or party within the community is aggrieved by a decision made in the enforcement of the Zoning Ordinance; and

recommend to the City Planning Commission and to City Council the necessary revisions and amendments to the Zoning Ordinance, in order for the Board to continue to provide fair and equitable service to the community and to its citizens.

Mr. Fitzpatrick moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

ANNUAL REPORTS-INDUSTRIES: A communication from the Industrial Development Authority transmitting the Annual Report for fiscal year 2003, was before Council.

It was advised that activities in fiscal year 2003 include:

Approved and disbursed remaining reimbursement funds, in the amount of \$500,000.00, to Advance Auto, pursuant to the Performance Agreement from last year.

Approved the funding of facade grants as follows:

Mexicorp, Incorporated for \$11,704.00;
SNC Properties, LLC, for \$9,025.50; and
Angell Associates for \$18,150.00.

Assisted the Virginia Lutheran Homes in financing a new facility and upgrading its current facility.

Entered into an amendment to the Loan Agreement with Cooper Industries.

Worked with WELBA I, LLC, to assist in its financing needs by inducing a manufacturing project in the amount of \$6,000,000.00.

Worked with Carilion Health System to assist in financing needs by approving another bond issue in the amount of \$110,000,000.00, of which \$50,000,000.00 represents new bond funds and the remaining \$60,000,000.00 represents refunding money.

Made an economic development grant to the Carilion Biomedical Institute in the amount of \$50,000.00.

Mr. Fitzpatrick moved that the Annual Report be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

OATHS OF OFFICE-COMMITTEES-COURT COMMUNITY CORRECTIONS BOARD-LIBRARIES-FIFTH PLANNING DISTRICT COMMISSION-VIRGINIA'S FIRST REGIONAL INDUSTRIAL FACILITY AUTHORITY: The following reports of qualification were before Council:

Gail Burruss as a member of the Court Community Corrections Program Regional Community Criminal Justice Board, for a term ending June 30, 2005;

Wilburn C. Dibling, Jr., as a member of the Roanoke Public Library Board, for a term ending June 30, 2006;

William D. Bestpitch as a member of the Roanoke Valley-Alleghany Regional Commission, for a term ending June 30, 2006; and

William D. Bestpitch as a City of Roanoke representative to Virginia's First Regional Industrial Facilities Authority, for a term ending September 24, 2006.

Mr. Fitzpatrick moved that the reports of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

REGULAR AGENDA

PUBLIC HEARINGS: NONE.

PETITIONS AND COMMUNICATIONS:

BUDGET-COMMONWEALTH'S ATTORNEY-VICTIM/WITNESS/JUROR PROGRAM-GRANTS: A communication from the Commonwealth's Attorney advising that the Victim/Witness Assistance Program has been awarded a 12 month, \$102,757.00 grant (#04-J8554VW03) for July 2003 through June 2004 from the Department of Criminal Justice Services (DCJS), which will allow the Victim/Witness Assistance Program to continue to provide comprehensive information and direct services to crime victims and witnesses, in accordance with the Virginia Crime Victim and Witness Rights Act; and the Victim/Witness Program continues to operate with a full-time coordinator for the Circuit Court, one full-time assistant for the Juvenile and Domestic Relations Court and one full-time assistant for the General District Court.

It was further advised that the Victim/Witness Program is coordinated by the Office of the Commonwealth's Attorney; the cost to the City for the grant would be \$25,671.00 as a local cash match, for a total grant budget of \$128,428.00; and the local cash match is equal to that of fiscal year 2002-2003 and is included in the General Fund fiscal year 2003-2004 adopted budget in the Transfer to Grant Fund Account.

The Commonwealth's Attorney recommended that Council accept Victim/Witness Grant #04-J8554VW03, in the amount of \$102,757.00, with the City of Roanoke providing \$25,671.00 as a local cash match from monies provided in the Transfer to Grant Fund Account in the fiscal year 2003-2004 budget, for a total grant of \$128,428.00; authorize the City Manager to execute all appropriate documents to obtain the grant; appropriate funds totalling \$128,428.00 and increase corresponding revenue estimates in accounts to be established by the Director of Finance in the Grant Fund; and transfer \$25,671.00 from the General Fund Transfer to Grant Fund, Account No. 001-250-9310-2535, to a Grant Fund account to be established.

A communication from the City Manager concurring in the request of the Commonwealth's Attorney was also before Council.

Mr. Dowe offered the following budget ordinance:

(#36451-081803) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36451-081803. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Fitzpatrick offered the following resolution:

(#36452-081803) A RESOLUTION authorizing the acceptance of a grant made to the City of Roanoke by the Commonwealth of Virginia Department of Criminal Justice Services for a Victim/Witness Assistance Program and authorizing the execution and filing by the City Manager of the conditions of the grant and other grant documents.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36452-081803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-DRUGS/SUBSTANCE ABUSE-COMMONWEALTH'S ATTORNEY: A communication from the Commonwealth's Attorney advising that Federal funding was made available to the Commonwealth of Virginia to be used for development of several Multi-Jurisdictional Special Drug Prosecutors statewide; the positions were developed to coordinate prosecutorial efforts among independent jurisdictions, reduce fractional and duplicate prosecutions, enhance the recovery of criminal assets, utilize Federal, State and local resources to assure maximum prosecutorial effectiveness and to provide specialized prosecutorial resources to the regional drug enforcement effort; the Commonwealth's Attorneys of Craig County, Franklin County, Roanoke County, and the Cities of Roanoke and Salem applied on October 9, 1987, to the Commonwealth's Attorneys' Services Council, the State agency responsible for administration of the grant money to fund a Multi-Jurisdictional Special Drug Prosecutor; Council accepted the Multi-Jurisdictional Special Drug Prosecutor Grant in April 1988, and a full-time Special Drug Prosecutor was hired in July, 1988; and annual re-application for funding is required.

It was further advised that on April 15, 1994, funding for the Drug Prosecutor's Office was transferred from the Commonwealth's Attorneys' Services Council to the Compensation Board; the Compensation Board approved funding for the Drug Prosecutor, in the amount of \$84,994.00, on April 28, 2003, which funding will continue through June 30, 2004; local match is \$21,861.00, for a total of \$106,855.00; and funding for the local share is available in the Transfer to Grant Funds Account.

The Commonwealth's Attorney recommended that Council accept funding from the Compensation Board, in the amount of \$84,994.00, with the City of Roanoke providing local match funding of \$21,861.00; authorize the City Manager to execute the requisite documents to obtain funding from the Compensation Board; appropriate \$84,994.00 in State grant funds and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund; and transfer \$21,861.00 from the General Fund Transfer to Grant Fund Account No. 001-250-9310-9535 to the Grant Fund account above created.

A communication from the City Manager concurring in the request of the Commonwealth's Attorney was also before Council.

Ms. Wyatt offered the following budget ordinance:

(#36453-081803) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Ms. Wyatt moved the adoption of Ordinance No. 36453-081803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36454-081803) A RESOLUTION authorizing the acceptance of funding for the regional drug prosecutor's office from the Compensation Board of the Commonwealth of Virginia and authorizing the acceptance, execution and filing of appropriate documents to obtain such funds.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36454-081803. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

BUDGET-POLICE DEPARTMENT-BUDGET-DRUGS/SUBSTANCE ABUSE-COMMONWEALTH'S ATTORNEY: A communication from the Commonwealth's Attorney advising that in an effort to better fund law enforcement efforts to fight crime, particularly drug crime, in 1986, the Federal government adopted a system of asset forfeiture, whereby forfeited assets, under certain conditions, could be returned to local law enforcement agencies, police and prosecutors for use in their fight against crime; in July, 1991, the Virginia asset forfeiture statute, which

generally is patterned after the Federal statute, took effect, providing that forfeited criminal assets may be returned to local police and prosecutors for use in the fight against crime; periodically, assets seized as evidence are ordered forfeited by the local courts to the police or to the Office of the Commonwealth's Attorney to be used for criminal law enforcement efforts; and in August 1991, a grant fund account for cash assets forfeited to the Office of the Commonwealth's Attorney was established with an appropriation of \$25,000.00.

It was further advised that since August 1991, the Office of the Commonwealth's Attorney has expended the \$25,000.00 originally appropriated, and periodically receives additional funds from the State's asset sharing program; grant requirements provide that the funds be placed in an interest bearing account and that interest earned be used in accordance with program guidelines; revenues collected through June 30, 2003, for the grant total \$169,143.00, interest on the account collected through June 30, 2003, is \$16,098.00, funding received in excess of revenue estimates total \$23,609.00, and needs to be appropriated; and funds must be appropriated before they can be expended for law enforcement.

The Commonwealth's Attorney recommended that the Director of Finance be authorized to increase revenue estimates for Forfeited Criminal Assets Account No. 035-150-5140-7107 and Forfeited Criminal Assets Interest Account No. 035-150- 5140-7275 in the amounts of \$20,545.00 and \$3,064.00, respectively, and appropriate funds to Forfeited Criminal Assets Accounts No. 035-150-5140-7275 in the Grant Fund.

A communication from the City Manager concurring in the recommendation of the Commonwealth's Attorney was also before Council.

Mr. Fitzpatrick offered the following budget ordinance:

(#36455-081803) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36455-081803. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

REPORTS OF OFFICERS:

CITY MANAGER:

BRIEFINGS: NONE.

ITEMS RECOMMENDED FOR ACTION:

BUDGET-HUMAN DEVELOPMENT: The City Manager submitted a communication advising that the Virginia Department of Social Services issued a Request for Proposals to use Federal funds to provide job search, coaching, and job retention services for Temporary Assistance to Needy families Hard to Serve (TANF) recipients; the City of Roanoke's Department of Social Services responded to the RFP with a proposal outlining its intent to work collaboratively with TAP- This Valley Works, to provide work-related services; under the proposal, eligible TANF recipients who must obtain employment, but who have not been in compliance with certain regulatory requirements, are provided customized job search assistance; and case managers work with the individuals to develop and to initiate an individualized plan of action to meet compliance requirements and to assist in securing and maintaining employment.

It was further advised that the City of Roanoke was awarded \$207,000.00 in grant funding under the TANF Hard-to-Serve Project for fiscal year 2004;whereupon, the City Manager recommended that Council accept the Temporary Assistance to Needy Families Hard to Serve Project grant of \$207,000.00, and authorize the City Manager to execute all appropriate documents to obtain the grant; and that Council appropriate funding of \$207,000.00 and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

Mr. Cutler offered the following budget ordinance:

(#36456-081803) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36456-081803. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

Mr. Dowe offered the following resolution:

(#36457-081803) A RESOLUTION authorizing acceptance of a grant award under the Temporary Assistance for Needy Families (TANF) Hard-to-Serve Project from the Virginia Department of Social Services, for the purpose of providing job search, job coaching and job retention services for eligible TANF recipients who must obtain employment, and authorizing execution of any and all necessary documents to comply with the terms and conditions of the grant.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36457-081803. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CONVENTION AND VISITOR'S BUREAU-REGIONAL IDENTITY: The City Manager called upon Craig Fifer, the City's Web Master, for a briefing on the Discover Roanoke Kiosk, which will be highlighted at the Mill Mountain Discovery Center, and will be officially showcased when Virginia Society of Parks and Recreation employees visit the City Roanoke in early September.

Mr. Fifer advised that as America's top digital City for two years, the City of Roanoke is always looking for ways to use technology to benefit residents, employees and visitors. He explained that the Discover Roanoke Kiosk is a web-based Kiosk, meaning that all locations on the Kiosk will be linked to the Internet, with updates from a central location, which should improve the timeliness of material. He stated that the goal of the kiosk is to present an overview of Roanoke area attractions/activities, shopping venues, restaurants and general demographic statistical information, along with other useful information such as weather reports and directions to various locations or points of interest. He added that initial partners in the project include the City of Roanoke, the Roanoke Valley Convention and Visitors Bureau, and The Hotel Roanoke and Conference Center, which is the team that developed the pilot prototype, and it is hoped to partner with other local jurisdictions and businesses to expand the project over the next several months. He advised that material will come from the City's website, the Roanoke Valley Convention and Visitors Bureau on line data base, all of which will be brought together for presentation in one format; maps can be pulled from on line mapping sites, and weather conditions can be pulled from on line weather sites, etc., so as to provide the most up to date information at all times. He stated that the initial location for the regional kiosk will be The Discovery Center on Mill Mountain, since the Discovery Center serves as a gateway for many visitors, particularly those traveling off the Blue Ridge Parkway. In addition to The Discovery Center, he advised that two kiosks will be placed in the new Visitor's Center which will open in November in the old Passenger Station, several kiosks will be placed at The Hotel Roanoke and Conference Center in the near future and other locations include Center in the Square, the Roanoke Civic Center, the Library Café, the Airport, public facilities in other localities, certain State offices, shopping centers and other locations that generate heavy traffic. He explained that over the next few months, staff will evaluate the success of the pilot locations and determine appropriate locations for future kiosks.

Staff of the Department of Technology presented an on line demonstration of information that can be accessed via the regional kiosk.

There was discussion with regard to: the size of computer monitors; if directions will be provided to various attractions/restaurants in the Roanoke Valley; the feasibility of providing a printer at each kiosk location; the time frame for placing a kiosk at the Roanoke Regional Airport and assistance by the Airport Commission with funding; the cost of kiosk hardware and software, which is in the range of \$2200.00; inclusion of area businesses as a part of kiosk information; not every restaurant or attraction will be listed on the kiosk, in which it was pointed out that the attractions, hotels, and restaurants listed on the kiosk will be those that are members of the Roanoke Valley Convention and Visitors Bureau (RVCVB), which means that not only will they derive a benefit from the work that the Visitor's Bureau will put into the database, but members will receive an additional benefit that they had not previously received at no additional cost, which will act as another selling point to recruit businesses and area attractions to join the RVCVB; and the feasibility of providing a map or a one page handout to shopping centers and other attractions/restaurants that would be separate from the kiosk.

David Kjolhede, Executive Director, Roanoke Valley Convention and Visitors Bureau, spoke in support of the regional kiosk and advised that printers will be made available at the new Passenger Station location. He stated that the regional kiosk program will provide a great potential for the Roanoke Valley region and the RVCVB is excited to be a part of the project.

AUDITS/FINANCIAL REPORTS-DIRECTOR OF FINANCE: The Director of Finance presented the June 2003 Financial Report, which includes General and School Fund amounts that are unaudited and subject to change during the course of the City's external audit. He advised that a comprehensive financial report of all funds of the City will be included with the Comprehensive Annual Financial Report.

Mr. Hall stated that fiscal year 2003 ended on a positive note from a financial standpoint, despite a national and local economy that has been strained by the war with Iraq and which again continued to fall short of desired results; and fiscal year 2003 was also affected by several mid-year adjustments in funding from the Commonwealth. He reported that the General Fund revenue estimate for fiscal year 2003 was \$194,201,628.00, while actual collections totalled \$194,388,023.00 and total General Fund revenue collected increased .85 per cent from the prior year and exceeded the estimate by .10 per cent; and expenditures came in at about one and one-half per cent under budget, the largest portion of which was unspent personnel salaries and fringe benefits. He advised that revenues grew less than one per cent compared to the prior year which includes salary increases for City employees and

the goal of increasing the City's debt service capacity to \$570,000.00 per year, and with those increases built into the budget, it still increased 1.18 per cent compared to fiscal year 2002.

He explained that Council adopted Ordinance No. 26292 on December 6, 1982, which established a reserve of General Fund balance for the Capital Maintenance and Equipment Replacement Program (CMERP), specifically for maintenance and replacement of capital equipment; computed per the requirements of Ordinance No. 26292, CMERP for fiscal year 2003 for Schools is \$529,557.00.00 and \$2,480,774.00 for the City, for a total of \$3,010,331.00, or 1.48 per cent of General Fund appropriations.

Ann Shawver, Deputy Director of Finance, presented highlights of the year end unaudited fund balance report.

There was discussion in regard to the future of the CMERP; whereupon, the Director of Finance advised that the long term financial plan of the City through 2007 includes the goal to add more capital funding in the budget, in order to get away from reliance on the CMERP. The City Manager advised that there would still be a small year end balance, but it would not be specifically generated for the purpose of addressing those kinds of ongoing maintenance and replacement items, some of which are on a three-four and five year cycle in order to build full funding into the budget. She further advised that during the Council's Financial Planning Session in March, Council agreed to a cycle whereby the City would gradually move toward this goal, but the important thing to emphasize is that the CMERP is largely due to funds generated from vacant positions in the City's workforce, which increases the burden on those remaining City employees. She stated that if the City reaches a point where it fills all vacant positions, there would be no year end fund balance which is the reason that it is necessary to stop relying on CMERP as a source of funds for ongoing issues. She advised that this is the first year that significant amounts of money have been set aside in the operating budgets.

There was discussion in regard to the source of unobligated appropriations in the School CMERP; whereupon, Richard L. Kelly, Assistant Superintendent for Operations, advised that personnel lapse in school accounts in terms of salaries and fringe benefits provide a source of funds, and a second source of funds relate to the debt reserve which was created for the Patrick Henry High School project, and until those funds are expended for debt service, they will be used for capital projects.

Mr. Bestpitch advised that vacancies within the City workforce place additional responsibilities on remaining employees, which will ultimately impact the level of service that is provided to Roanoke's citizens, and expressed specific concern with regard to Police and Fire/EMS personnel. He added that there could be a need to look at some of the positions to determine if a smaller number of slots are needed and a higher salary; whereupon, he asked that the issue be referred to 2004 budget study for discussion by Council.

Without objection by Council, the Mayor advised that the Financial Report would be received and filed.

REPORTS OF COMMITTEES:

BUDGET-SCHOOLS: A communication from the Roanoke City School Board requesting that Council appropriate funds to the following school accounts, was before the body.

- **\$95,000.00 for Fallon Park Elementary School improvements; funds will be used for design fees for the electrical, heating, ventilation and air conditioning upgrade at Fallon Park Elementary School; and funding will be provided from the School Fund Reserve.**
- **\$240,000.00 for Westside Elementary School improvements; funds will be used for preparation of construction and bidding documents and for construction administration of renovations and an addition at Westside; and funding will be provided from the School Fund Reserve.**
- **\$22,000.00 for the 2003 Instructional Support Team Project to assist the division in providing services for children with disabilities at Fallon Park Elementary School; and the new grant program will be funded from Federal Individuals with Disabilities Education Act funds.**
- **The transfer of \$1,332,365.00 in unappropriated balances of Capital Maintenance and Equipment Replacement Funds remaining at June 30, 2003, to a Reserve for Capital**

Improvements for Future School Construction Costs will provide cash funding for planned future school renovation and construction costs; and it is anticipated that the future appropriation of the funds will be made to the School Capital Projects Fund.

- The transfer of \$872,500.00 in Capital Maintenance and Equipment Replacement Funds appropriated during the 2003 fiscal year from the Construction of Transportation Facility account in the School Fund to the School Transportation Facility account in the School Capital Projects Fund will enable all costs of the new facility to be recorded in the School Capital Projects Fund and will allow for appropriate capitalization of the project upon completion of construction.

A report from the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Dowe offered the following budget ordinance:

(#36458-081803) AN ORDINANCE to amend and reordain certain sections of the 2003-2004 General, School, and School Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36458-081803. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

UNFINISHED BUSINESS:

HOUSING AUTHORITY: The City Manager advised that Council at its meeting on July 21, 2003, raised certain questions with regard to the Derelict Structures Fund Grant; whereupon, she submitted a communication responding to the Council's inquiries.

The City Manager advised that the intent of the Derelict Structures Fund is to fund projects that address "residential, commercial or industrial structures which are in such poor condition as to cause a blight upon the neighborhood;" funds may be utilized for acquisition, demolition, removal, rehabilitation or repair of specific, targeted derelict structures; and a 100 per cent match of local funds is required.

It was advised that funds were awarded and a funding agreement was executed between the City and the Department of Housing and Community Development on May 29, 2001; the Northwest Neighborhood Environmental Organization has expended its \$50,000 allocation; and due to unforeseen issues, Two B Investments was unable to utilize its funds as required in a timely manner; therefore, the City has \$50,000.00 of unexpended funds available.

It was further advised that at this time Blue Ridge Housing Development Corporation ("Blue Ridge"), a local non-profit housing group, wishes to use the remaining \$50,000.00 to renovate property located at 1018 Jamison Avenue, S. E.; the property is located in the Southeast... by Design neighborhood; the house was constructed in 1900, contains 2,793 square feet and is currently vacant; the property is in poor condition and has had some partial renovation on the interior of the structure; proposed redevelopment includes interior and exterior rehabilitation, electrical and plumbing upgrades, HVAC and emergency upgrades, and water and sewer upgrades; and Blue Ridge can immediately begin work on the property and use the property as a showcase to market the Southeast project.

It was explained that the property was last used as a unit residence and renovations would convert the structure back to a duplex, featuring the ability to live in one side and rent out the other side; construction bids from three local contractors came in at an average of \$150,000.00; and Blue Ridge is committing \$50,000.00 from its line of credit, and has been approved for a \$50,000.00 construction loan from First Citizens Bank.

It was stated that the City's primary housing goals are to provide greater housing choices and to raise the assessed values of properties in the City's core neighborhoods; the average house assessment in the Southeast...by Design neighborhood is only \$55,000.00 and homeownership rate is 56 per cent; significant renovation of the property would fit in the neighborhood, however, rehabilitation costs incurred are the investment for the area and may be higher than the eventual sales price of the structure; and this approach is the most viable solution to addressing vacant properties within the City until market demand improves.

The City Manager recommended that Council approve allocation of the remaining \$50,000.00 Derelict Structures Fund grant to Blue Ridge Housing Development Corporation on a reimbursement basis, and authorize the City Manager to execute an agreement between the City of Roanoke and Blue Ridge Housing Development Corporation, to be approved as to form by the City Attorney.

Mr. Bestpitch offered the following resolution:

(#36459-081803) A RESOLUTION authorizing execution of an Agreement between the City and Blue Ridge Housing Development Corporation in order to provide funds from the Derelict Structures Fund, in the amount of \$50,000.00, to Blue Ridge Housing Development Corporation for renovation of property located at 1018 Jamison Avenue, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Bestpitch moved the adoption of Resolution No. 36459-081803. The motion was seconded by Mr. Cutler.

Mr. Duane E. Howard, 508 Walnut Avenue, S. W., advised that Council Member Dowe should abstain from voting on the recommendation inasmuch as he is the direct recipient of a house through Blue Ridge Housing Development Corporation, and Mr. Dowe's vote would represent a conflict of interest. He advised that \$150,000.00 is proposed to be invested in a derelict structure house in southeast Roanoke, however, he expressed concern that the City of Roanoke allows housing to become derelict and tolerates derelict landlords who allow their properties to fall into various states of disrepair; and the \$50,000.00 could be better used to tear down the house and donate the land for more greenspace. He stated that the house was constructed in 1900, which means that it is approximately 42 years older than Victory Stadium, yet the City proposes to invest \$150,000.00 in renovation costs ,

while the fate of Victory Stadium has not been decided. He referred to problems in the southeast area of Roanoke because the City will not enforce basic civil codes of conduct, and until the City addresses core issues and neighborhood concerns, placing a large sum of money into renovating one house in southeast Roanoke will not make a great deal of difference to the area.

Alvin Nash, Executive Director, Blue Ridge Housing Development Corporation, advised that the house is part of the Southeast by Design Project; the structure was used for duplex purposes and will be renovated into a first class building, following appropriate architectural and historic guidelines. He stated that First Citizens Bank has committed \$120,000.00 to the project, which is the “shot in th arm” that is needed to turn the southeast area around; therefore, it is a perfect investment for the Derelict Structures Fund grant for the future of southeast Roanoke and will be in line with proposed improvements in the southeast neighborhood. Upon development, he advised that the house will be sold and provide a good investment property.

The Mayor advised that he serves on the Advisory Board of First Citizens Bank, but earns less than \$10,000.00 per year, whereupon, he inquired if he has a conflict of interest in voting on the matter. The City Attorney responded that since the Mayor earns less than \$10,000.00 per annum, he would have no conflict of interest, and may cast his vote on the resolution before Council.

Resolution No. 36459-081803 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:

CITY COUNCIL: Mr. Fitzpatrick offered the following resolution providing that the 9:00 a.m. work session of the Council on the first Monday in each month will convene in the Emergency Operations Center Conference Room, instead of the City Council Chamber:

(#36460-081803) A RESOLUTION amending Paragraph 6 of Resolution No. 36414-070703, adopted on July 7, 2003, which resolution established a meeting schedule for City Council for the Fiscal Year commencing July 1, 2003, and terminating June 30, 2004, in order to provide that the portion of the regular meetings which begin at 9:00 a.m. for the conduct of informal meetings, work sessions or closed meetings of City Council will be convened in the Emergency Operations Center (EOC) Conference Room instead of Council Chambers.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Fitzpatrick moved the adoption of Resolution No. 36460-081803. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND MEMBERS OF COUNCIL:

BUDGET-PARKS AND RECREATION: Council Member Fitzpatrick advised that he has requested the City Manager to compile information with regard to creating a trolley system for the City of Roanoke, which would operate between the Virginia Museum of Transportation, the City Market and Crystal Spring, and reinstituting the incline on Mill Mountain.

Vice-Mayor Harris concurred in the remarks of Mr. Fitzpatrick and requested that cost information be provided to Council in early 2004 for consideration during fiscal year 2004 budget discussions.

Mr. Fitzpatrick called attention to the potential of major tourism dollars that would come to the Roanoke Valley if Mill Mountain is better utilized, and advised that he is suggesting a form of information gathering to determine what, if any, grants might be available to the City.

The City Manager advised that the success of both the trolley and the incline, in large measure, will be determined on whether the City can secure Federal and State Federal Highway and Transportation funding.

Inclusion of the matter in the City's 2004 Legislative Program was also mentioned.

EMERGENCY SERVICES: Council Member Cutler referred to the recent blackout in the New York area which had far reaching effects, and inquired if the City of Roanoke is prepared to respond to a potential blackout and/or other emergency situation; whereupon, the City Manager advised that procedures to address a blackout are included in the City's Emergency Response Plan; however, recent events have caused the City to give the issue more attention. She called attention to significant upgrades to electrical systems, particularly underground and in the downtown area of the City, and the City communicates regularly with officials of American Electric Power to ensure that temporary blackouts are minimized.

Mr. Cutler spoke in support of providing Roanoke's citizens with the necessary information to heighten their awareness in the event of a blackout or other emergency.

PARKS AND RECREATION-ACTS OF ACKNOWLEDGMENT-TREES-COMMUNICATIONS DEPARTMENT: Council Member Cutler commended staff of the City's Communications Department and the Parks and Recreation Department with regard to the Quarterly Guide to Parks and Recreation Programs in the City of Roanoke. He advised that the Urban Forestry Plan is available for distribution.

DONATIONS/CONTRIBUTIONS-ACTS OF ACKNOWLEDGMENT-JEFFERSON CENTER: The Mayor expressed appreciation to Woodmen of the World for donating an American flag to be flown near Fitzpatrick Hall at The Jefferson Center, and advised that a dedication ceremony will be held on September 11, 2003.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

ARMORY/STADIUM: Mr. Jim Fields, 17 Ridge Crest Drive, Hardy, Virginia, spoke in support of renovating Victory Stadium, and inquired as to why an American flag is not flown at Victory Stadium. He stated that the majority of the voters of the City of Roanoke would like to cast their ballot through a public referendum on the question of renovating Victory Stadium, or constructing a new facility on Orange Avenue; therefore, he requested that Council reconsider its previous decision to construct a new stadium/amphitheater at the Orange Avenue/Williamson Road site.

ARMORY/STADIUM: Ms. Pat Lawson, 1618 Riverside Terrace, S. E., spoke in support of saving Victory Stadium. She announced that she will campaign for the Office of Mayor of the City of Roanoke in 2004.

COMPLAINTS-CITY COUNCIL-HOUSING/AUTHORITY-GRANTS: Mr. E. Duane Howard, 508 Walnut Avenue, S. W., referred to his previous remarks questioning whether Council Member Dowe has a conflict of interest in voting on funding for renovation of a house at 1018 Jamison Avenue, S. E., under the Derelict Structures Fund grant administered by Blue Ridge Housing Development Corporation, inasmuch as Council Member Dowe is the recipient of a house that was constructed through Blue Ridge Housing Development Corporation. He also referred to a City employee who is the recipient of a house through the same organization and questioned if there is a conflict of interest in view of the City employee's relationship with and knowledge of the program through Blue Ridge Housing.

Council Member Dowe advised that he looked at the land on which his house is constructed early in the process, he secured a loan through a banking institution at the same market rate that was available to any other person seeking a loan at the same time, a contractor was selected and ready to begin construction on his house; however, it was not until the ribbon cutting ceremony that he became aware of the City of Roanoke's involvement.

COMPLAINTS-STREETS AND ALLEYS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., requested that Council review the new traffic pattern on Williamson Road relative to installation of a median and turning lanes, which have created a traffic hazard for motorists.

ARMORY/STADIUM-HOUSING/AUTHORITY-GRANTS: Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke in response to a previous remark make by Alvin Nash, Executive Director, Blue Ridge Housing Development Corporation, in regard to the Derelict Structures Fund grant. She advised that two years ago, Blue Ridge Housing Development Corporation purchased a house on Gilmer Avenue which has been vacant and has gradually deteriorated, it has now been decided that the house will be demolished and Blue Ridge Housing Development Corporation has agreed to construct another house of similar character. She stated that she was disturbed by the remark of Mr. Nash with regard to the Gainsboro community when Blue Ridge Housing Development Corporation, itself, is a property owner that has neglected its property on Gilmer Avenue, even though another citizen bid on the property with the intent of renovating the house. She clarified that the Gainsboro community is not a derelict neighborhood, but a neighborhood that is in the process of a rebirth.

Ms. Bethel advised that the Victory Stadium issue is still alive because the Council has not chosen to hold a public referendum on the question to enable the citizens of Roanoke to vote on the fate of the stadium.

CITY MANAGER COMMENTS: NONE.

At 4:05 p.m., the Mayor declared the meeting in recess for five closed sessions.

At 5:45 p.m., the meeting reconvened in the Council Chamber, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Vice-Mayor Harris and Council Member Dowe.

COUNCIL: With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, and Mayor Smith-----5.

NAYS: None-----0.

(Vice-Mayor Harris and Council Member Dowe were absent.)

OATHS OF OFFICE-COMMITTEES-TRANSPORTATION SAFETY: The Mayor advised that there is a vacancy on the City of Roanoke Transportation Safety Commission to fill the unexpired term of David Prince, resigned, ending October 31, 2006; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of Chaun Dooley.

There being no further nominations, Mr. Dooley was appointed as a member of the City of Roanoke Transportation Safety Commission, to fill the unexpired term of David Prince, resigned, ending October 31, 2006, by the following vote:

FOR MR. DOOLEY: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

OATHS OF OFFICE-COMMITTEES-TOWING CONTRACT: The Mayor advised that there is a vacancy on the Towing Advisory Board to fill the unexpired term of Ronald L. Wade, resigned, ending June 30, 2006; whereupon, he opened the floor for nominations.

Mr. Bestpitch placed in nomination the name of Michael W. Conner.

There being no further nominations, Mr. Conner was appointed as a member of the Towing Advisory Board to fill the unexpired term of Ronald L. Wade, resigned, ending June 30, 2006, by the following vote:

FOR MR. CONNER: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Dowe were absent.)

Inasmuch as Mr. Conner is not a resident of the City of Roanoke, Council by consensus, waived the City residency requirement.

At 5:50 p.m., the Mayor declared the meeting in recess to be reconvened at 7:00 p.m., in the Council Chamber.

At 7:00 p.m., on Monday, August 18, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, with Mayor Ralph K. Smith presiding.

PRESENT: Council Members Linda F. Wyatt (arrived late), William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris and Mayor Ralph K. Smith-----7.

ABSENT: None-----0.

OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The invocation was delivered by Council Member William D. Bestpitch.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

PUBLIC HEARINGS:

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request Akzo Nobel Coatings, Inc., that a portion of Roanoke Avenue, S. W., adjacent to Burks Street, be permanently closed by barricade, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 1, 2003 and Friday, August 8, 2003.

The City Planning Commission submitted a written report advising that the petitioner proposes to install a locked gate over the right-of-way and a guard house adjacent to the street; the guard house will be on the petitioner's property and will be staffed from 6:00 p.m. to 6:00 a.m., and the gate will be left open at all other times; the proposed barricade will not affect access to utilities, and since no right-of-way is being conveyed, public utility easements are not necessary for the petition.

It was further advised that closing Roanoke Avenue at Burks Street will have no impact on traffic in the area; the barricade will allow the petitioner to effectively incorporate the portion of right-of-way as part of its site, while the City retains ownership; the petitioner will be required to provide a gate with a double lock to allow full-time access by Norfolk Southern; and due to Norfolk Southern's need for access, vacation of the right-of-way is not feasible.

The City Planning Commission recommended that Council approve the request to close Roanoke Avenue, by barricade, to the west of its intersection with Burks Street, S. W., pursuant to the following conditions:

The petitioner will be responsible for erecting a gate with a double lock system to allow Norfolk Southern employees access via their own lock and keys.

The petitioner shall allow access to the closed portion of Roanoke Avenue to the City of Roanoke, or any party representing or acting on behalf of the City of Roanoke, and to all public utility entities with facilities located within the right-of-way.

Mr. Dowe offered the following ordinance:

(#36461-081803) AN ORDINANCE authorizing the alteration and closing by barricade of certain public right-of-way in the City of Roanoke, Virginia, subject to certain conditions; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36461-081803. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to speak in connection with the request. There being none, he declared the public hearing closed.

There being no questions or comments by Council, Ordinance No. 36461-081803 was adopted by the following vote:

AYES: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Wyatt was absent.)

Council Member Wyatt entered the meeting.

STREETS AND ALLEYS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on the request of Roanoke Country Club, Inc., and the Scott Robertson Memorial Fund, a Virginia Non-Stock Corporation, that a 15-foot right-of-way, extending in a northeasterly direction from the northerly boundary of Densmore Road, N. W., be permanently vacated, discontinued and closed, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 1, 2003 and Friday, August 8, 2003.

The City Planning Commission submitted a written report advising that the Scott Robertson Memorial Fund petitioned the City in April 2002 for the lease of a portion of East Gate Park to be used for its First Tee Junior Golf Program; a City Planning Commission public hearing was held on April 18, 2002, and Council approved the request in a public hearing on May 20, 2002; and the Council (and City Planning Commission) determined that use of a portion of East Gate Park for a First Tee Golf Program was substantially in accord with Vision 2001-2020, the City's Comprehensive Plan.

It was further advised that the Scott Robertson Memorial Fund has since discontinued its plans for a First Tee Junior Golf Program at East Gate Park, and now plans to establish the project on property adjacent to the Roanoke Country Club at the eastern end of Densmore Road, N. W.; the Scott Robertson Memorial Fund plans to lease property from the Roanoke Country Club and combine the property with its property which is described as Official Tax No. 2670906; and since the subject portion of right-of-way lies between properties owned by the Scott Robertson Memorial Fund and the Roanoke Country Club, they plan to split the vacated property evenly.

The City Planning Commission recommended that Council approve the petitioner's request to vacate, discontinue and close the subject portion of right-of-way, subject to the following conditions, and does not recommend that the petitioner be charged for the property.

- The applicant shall submit a subdivision plat to the Agent for the City Planning Commission, receive all required approvals, therefor, and record the plat in the Office of the Clerk of the Circuit Court for the City of Roanoke; said plat shall combine all properties which would otherwise dispose of the land within the right-of-way to be vacated in a manner consistent with law, and retain appropriate easements for installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress.
- Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of the ordinance approving the request for recordation in the Office of the Clerk of the Circuit Court, indexing the same in the name of the City of Roanoke, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees; and the applicant shall pay such fees and charges as are required by the Clerk of Circuit Court to effect such recordation.
- Upon recording a certified copy of the ordinance approving the request with the Clerk of the Circuit Court of the City of Roanoke, the applicant shall file with the City Engineer, the Clerk's receipt, demonstrating that such recordation has occurred.

- If the above conditions have not been met within a period of one year from the date of adoption of the ordinance authorizing the request, said ordinance shall be null and void with no further action by City Council being necessary.

Mr. Fitzpatrick offered the following ordinance:

(#36462-081803) AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36462-081803. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council, Ordinance No. 36462-0801803 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe abstained from voting inasmuch as he is a member of Roanoke Country Club, Inc.)

CITY CODE-ZONING-TOWING CONTRACT: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to proposed amendments to the Zoning Ordinance to better define and differentiate between certain interrelated land use activities that involve towing services, wrecker services, new and used motor vehicle sales and service and a new and used commercial motor vehicle sales and service, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 1, 2003 and Friday, August 8, 2003.

The City Planning Commission submitted a written report advising that on April 17, 2003, the Planning Commission recommended to Council the approval of a measure amending the Zoning Ordinance as it pertains to various motor vehicle oriented establishments; on May 19, 2003, Council considered the recommended text amendments and, after public hearing and discussion, referred the proposed measure back to the Planning Commission to provide additional information to, and input from, property and business owners and other interested parties.

It was further advised that the Planning Commission held a public hearing on the proposed text amendments on July 17, 2003; and Planning Commission discussion centered around the following:

- The prohibition of the parking of tow trucks in residential districts to protect the quality of residential neighborhoods;
- Prohibiting the parking of panel trucks in residential districts because of their size;
- Problems associated with a “weight-based” definition of commercial motor vehicles as they relate to the ability of inspectors in the field to determine weight in enforcement of the regulation; and
- The concern that a single axle of single rear wheels definition of a commercial motor vehicle would still allow for motor vehicles of a size that would impact the quality of life in residential neighborhoods.

The City Planning Commission recommended that Council approve the proposed text amendments as set forth in a proposed measure; and given the additional input from the industry and further consideration of those issues by staff and the City Planning Commission, the Planning Commission supports the proposed text amendments as set forth in the measure.

Mr. Dowe offered the following ordinance:

(#36463-081803) AN ORDINANCE amending and reordaining §36.1-25, Definitions; subsections (26) and (37) of §36.1-206, Permitted uses; subsection (5) of §36.1-207, Special exception uses; subsection (26) of §36.1-227, Permitted uses; subsection (3) of §36.1-228, Special exception uses; subsection (24) of §36.1-249, Permitted uses; subsection (8) of §36.1-250, Special exception uses; subsection (11) of §36.1-270, Permitted uses; subsection (5) of §36.1-271, Special exception uses; §36.1-206, §36.1-207, and §36.1-250, by deleting certain uses as permitted uses or uses by special exception; and §36.1-435, Parking of commercial vehicles, and adding new subsections (51) and (52) of §36.1-206, Permitted uses; subsections (28) and (29) of §36.1-249, Permitted uses; subsections (10) and (11) of §36.1-250, Special exception uses; subsection (12) of §36.1-270, Permitted uses; and subsection (6) of §36.1-271, Special exception uses, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36463-081803. The motion was seconded by Mr. Cutler.

R. Brian Townsend, Director, Planning and Community Development, advised that on May 19, 2003, Council considered the recommended text amendments and following the public hearing and discussion, referred the proposal back to the City Planning Commission to provide additional information and to receive input from property and business owners and other interested parties; and subsequent to Council's action, the Planning Department mailed over 180 information packets to business establishments in automobile sales, service, motor vehicle repair, and towing and wrecker services and held a public forum on June 4, 2003. In addition, he stated that the Department of Housing and Neighborhood Services mailed over 60 information packets to Roanoke Neighborhood Partnership Steering Committee members and neighborhood leaders; in response to over 240 packets that were mailed, the Planning Department received six telephone inquiries, 19 businesses were represented at a June 4 session and one neighborhood leader was in attendance. He stated that as a result of the sessions, staff identified certain specific issues regarding proposed definitions of a commercial motor vehicle and used motor vehicle sales and service establishments, requirements for general service establishments, and prohibition of the parking of tow trucks and roll back tow trucks in residential areas. He further stated that in consideration of the comments received from business representatives, City staff identified and the City Planning Commission acted on three areas of proposed text amendments for

further study and reconsideration over and above what the May 19 public hearing described. He advised that the first is the definition of a commercial motor vehicle; the Planning Commission supports a revised definition that excludes vans, pickup trucks and panel trucks from the definition of commercial motor vehicles; and the Planning Commission reviewed the definition to clarify that those three types of vehicles would not be considered commercial motor vehicles. In regard to general service establishments engaged in the repair of automobiles, motorcycles or trailers, he explained that considerable input was received from the industry regarding restrictions on repairs, either by the type of vehicle, or the nature of which the repair could take place; slides of car sales and/or repair services throughout the City were presented to illustrate the types of issues that exist under the current ordinance as definitions of automobile repair establishments slowly move to what becomes automobile salvaging and towing services in some cases; automobiles are stacked in the rights-of-way on certain sites; and the more problematic areas exist in the older part of the City where the commercial establishment is close to residential boundaries. He called attention to the need to regulate the habitual repair which takes place outside of the building and advised that the City Planning Commission's intent is not to regulate the emergency repair, but to ensure that ongoing repairs take place within a building. He stated that currently, because definitions are intermingled, it is difficult to enforce specifically and one of the goals of the proposed amendments is to more clearly differentiate between these types of uses for the future. He added that the City Planning Commission considered revisions relative to automobile service establishments, and general service establishments would be allowed to repair motor vehicles, except commercial motor vehicles, and operators of these establishments would be allowed to repair and to sell five repairs, or rebuilt cars, in one calendar year without being considered a car sales establishment, which would have no restriction on the limitation of the number of cars that could be sold that are held by mechanics liens; for example: if the business has 15 cars with mechanics liens in the course of the year, all of those vehicles could be sold without restriction and the restriction would apply to the five that are not otherwise sold on the premises; and the City Planning Commission recommends that all repair and maintenance activity shall occur wholly in an enclosed building. In the C-3 District, which is downtown, he advised that no change is recommended in that the same rules would apply to car repair or general service establishments, except that any motor vehicle could be repaired in the LM District; the same provisions would apply with regard to selling five vehicles and having no restriction on the sale of cars through mechanics liens, and all repairs and maintenance activity shall occur in an enclosed building. In the HM District, he stated that the same rules would apply so as to provide for consistency in terms of definitions and regulation across the districts and within each district, by making small differentiations between commercial districts, which tend to be in the major visible corridors and the LM and HM Districts. He stated that the City Planning

Commission also discussed the parking of commercial vehicles in residential districts and the Planning Commission reaffirmed its recommendation to not exempt tow trucks and roll back tow trucks from the definition of commercial motor vehicles for the purpose of parking in a residential district; the Planning Commission continues to have concern regarding the consequences of a blanket exemption of tow trucks and roll back tow trucks from the prohibition of the parking of commercial vehicles in a residential district; concerns include the size and noise of such motor vehicles, as well as the potential for any number of tow trucks to be parked at any given location, and the potential impact on the quality of life and street safety in the neighborhoods; therefore, the City Planning Commission reaffirmed its recommendation not to further exclude any other types of vehicles from the commercial motor vehicles definition.

The Mayor inquired if there were persons who would like to speak in connection with the public hearing; whereupon, Mr. Leo Trenor, 3343 Preston Avenue, N. E., advised that his goal is to stop the illegal sale of automobiles in the Commonwealth of Virginia, and the proposed recommendation of the City Planning Commission will promote the sale of automobiles by unlicensed persons. He advised that State Code provisions provide that if a dealer rebuilds two salvaged vehicles within a year, the dealer must obtain a license as a rebuilder; State law also provides that used parts can be sold only by a salvage dealer; therefore, the illegal activity currently taking place in the City of Roanoke is due to the City's lack of enforcement. He expressed concern as to how the City will enforce the limitation of five repairs, or rebuilt cars, in one calendar year; whereupon, he suggested that the limitation of five vehicles be stricken from the proposed ordinance and that the City allow enforcement through the Virginia Division of Motor Vehicles.

Mr. Robert Young, 5266 Sunset Drive, called attention to numerous meetings that were held to address proposed revisions; however, no changes are proposed by City staff that will provide for improved regulation and enforcement. With regard to parking tow trucks in residential areas of the City, he called attention to the importance of an operator having his vehicle close by in the event of an emergency which could be life threatening to a person involved in an accident.

A representative of G & J Towing and Recovery reiterated the remarks of Mr. Young.

Mr. Ronnie Scaggs, 3517 Melrose Avenue, N. W., questioned why the City of Roanoke is enacting regulations that are not enforceable. He advised that some of the slides shown by Mr. Townsend are of unlicensed businesses which will not be addressed under the proposed ordinance. He stated that the proposed regulations provide that garages must have four walls, and inquired if garage doors must be closed when repairs are underway, because it would be costly to install an air conditioning unit in a large garage with a 15 - 18 foot ceiling.

Mr. Tommy Wood, 1749 Granby Street, N. E., appeared before Council on behalf of towers that are included on the City of Roanoke's tow list who respond daily to emergency calls by the Police Department. He stated that towers are required to be on the scene of an emergency within 20 minutes, which will create a problem for tow truck operators who have to leave their home, travel to their place of business where the wrecker is parked and respond to the incident, all of which cannot be done within the required 20 minute time frame. He advised that there might be as many as two wreckers in a residential neighborhood on any given night; therefore, for those towers on the Roanoke City tow list, he requested that tow truck operators be allowed to take their wreckers home at least two nights a week, if necessary, and suggested the placement of a sticker on the windshield to indicate that the wrecker is on call on the City's rotating tow list.

Mr. Chris Craft, 1508 East Gate Avenue, N. E., concurred in the remarks of Mr. Wood. He called attention to those persons who repair vehicles illegally in their garages, or in the front and side yards of their buildings, and advised that there is a need to decrease or eliminate illegal car sales in the City of Roanoke. He spoke in support of allowing a tow truck operator to park the wrecker in their residential neighborhood when on call.

There being no further speakers, the Mayor declared the public hearing closed.

The City Manager corrected remarks made by previous speakers that the proposed ordinance is not enforceable. She advised that any ordinance adopted by the Council is subject to review by the City Attorney's Office and is therefore enforceable; and if additional zoning and code enforcement staff is needed in order to enforce the ordinance under consideration by the Council, or any other ordinance of the City, it is her obligation to bring the matter to the Council's attention. With regard to the ordinance presently before the Council, she stated that one of the

issues of concern is that currently there is a vagueness in the definitions, it is difficult for staff to enforce and to address some of the issues that were depicted in the slides that were previously shown by Mr. Townsend; therefore, staff is requesting a clarification of definitions. She added that numerous inconsistencies currently exist that the Zoning Ordinance update will address.

There was discussion in regard to the number of tow trucks that could be parked in a residential neighborhood on any given evening; whereupon, Mr. Townsend advised that it is a difficult question to answer because if a tow truck operation is headquartered in an adjacent locality, and if the tow truck operator lives in the City of Roanoke, the operator could bring the vehicle home with him even though the business is not Roanoke City based. Upon further discussion, it was agreed that between 10 and 20 wreckers could be parked throughout the residential streets of the City of Roanoke on any given night.

Some Members of Council, as well as Mr. Townsend, advised that the complaints received by citizens primarily have related to commercial vehicles generally, and not a large number of complaints have been received regarding the tow trucks in the residential neighborhoods of the City.

Mr. Townsend explained that City Planning staff took a very conservative view on the recommendation, while acknowledging the comments of Mr. Wood and Mr. Young, and the public hearings regarding concerns about public safety; the City Planning Commission basically weighed the likelihood of impacts on public safety, versus the likelihood of adverse impacts on Roanoke's residential neighborhoods; and there is no absolute answer in terms of how many tow trucks will be parked in any given neighborhood. He advised that the City Planning Commission also took a very conservative view of not making too many exceptions to the rule regarding vehicles in residential neighborhoods; the Planning Commission made an exception related to pickup trucks, vans and panel trucks because most personal vehicles currently can be as large as pickup trucks and vans, etc., but a tow truck was considered to be of a size and scale that the City Planning Commission was not willing to make an exception.

It was suggested by a Member of Council that any loop hole with regard to the sale of vehicles by unlicensed builders should be referred to the City's Legislative Committee for further consideration.

Following further discussion of the matter with regard to that portion of the recommendation pertaining to the parking of tow trucks and roll back tow trucks in residential neighborhoods when the tow truck operator is on call, several Members of Council expressed concern that when the service is needed, the operator should be allowed to retrieve the wrecker as quickly as possible, and especially in view of the 20 minute response time imposed by the City's Police Department in order to be included in the City's tow list; therefore, a compromise would be in order.

Mr. Fitzpatrick moved that Ordinance No. 36463-081803 be amended to exempt tow trucks and roll back tow trucks. The amendment was seconded by Ms. Wyatt and unanimously adopted.

Ordinance No. 36463-081803, as amended, was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-ZONING-TOWING CONTRACT: The City Manager submitted a communication advising that enforcement of Section 20-71 of The Code of the City of Roanoke (1979), as amended, pertaining to parking of commercial motor vehicles in residential districts has been hampered by lack of a definition of the term "commercial motor vehicle;" proposed amendments to Section 20-71 provide, among other things, that certain trucks, construction equipment, trailers, semi-trailers, taxis, limousines, tow trucks, and dump trucks, may not be parked or left standing on any street or alley located in a residential district for more than two hours; certain school buses and emergency vehicles, vehicles being loaded or unloaded, vehicles belonging to or used by the occupant of a business when the premises constitute a lawfully existing use, as well as vans, pickup trucks and panel trucks, which would otherwise constitute "commercial motor vehicles," are exempted from the application of the ordinance; no motor vehicle, however, designed to transport dangerous materials may be permitted to park in a residential district; and enforcement of Section 20-71, as amended, is intended to dovetail with the proposed amendments to the Zoning Ordinance which relate to parking commercial vehicles in a residential district.

The City Manager recommended that Council adopt an ordinance amending Section 20-71 of the City Code pertaining to the regulation of on-street or alley parking of commercial motor vehicles in residential districts.

Mr. Dowe offered the following ordinance:

(#36464-081803) AN ORDINANCE amending and reordaining §20-71, Parking of commercial trucks, of Article IV, Stopping, Standing and Parking, of Chapter 20, Motor Vehicles and Traffic, of the Code of the City of Roanoke (1979), as amended, to provide for the definition of commercial motor vehicle and to prohibit the same from parking on the streets and alleys in a residential district under certain circumstances; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36464-081803. The motion was seconded by Mr. Bestpitch.

Mr. Fitzpatrick moved that Ordinance No. 36464-081803 be amended to exempt tow trucks and roll back trucks. The motion was seconded by Ms. Wyatt and unanimously adopted.

Ordinance No. 36464-081803, as amended, was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

CITY CODE-ZONING-SIGNS/BILLBOARDS/AWNINGS: Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Monday, August 18, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to a proposed amendment of Chapter 36.1, Zoning, Code of the City of Roanoke (1979), Section 36.1-693, Notice of hearing, as amended, by deleting the requirement of erecting signs when a proposed amendment affects more than 25 parcels of land, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, August 1, 2003 and Friday, August 8, 2003.

The City Planning Commission submitted a written report advising that the proposed text amendment deletes the requirement that when a proposed amendment affects the district classification of more than 25 parcels of land, at least one sign shall be erected on each corner of each block on which any affected properties lie; such sign is required to provide notice of public hearing, indicating the proposed change, identification of affected properties, and the time, date, and place of such hearing; the posting requirement that is the subject of the proposed text amendment is not mandated by the City Charter or by the Code of Virginia; the proposed amendment will reduce the logistical impact on a comprehensive rezoning of the City, such as that which will be undertaken with the preparation of a new Zoning Ordinance and zoning map; and consideration of a new Zoning Ordinance will necessitate the amendment of district classifications throughout the City, in order that all parcels are zoned in a manner that is consistent with the new Zoning Ordinance.

The City Planning Commission recommended that Council adopt the proposed amendment to Section 36.1-693, Code of the City of Roanoke (1979), as amended.

Mr. Dowe offered the following ordinance:

(#36465-081803) AN ORDINANCE amending and reordaining §36.1-693, Notice of hearing, Division 5, Amendments, Article VII, Administration, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by repealing the required placement of signage on property when a proposed amendment affects the district classification of more than twenty-five (25) parcels; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36465-081803. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to speak in connection with the matter. There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36465-081803 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris and Mayor Smith-----7.

NAYS: None-----0.

OTHER BUSINESS:

ARCHITECTURAL REVIEW BOARD: An appeal of H & W Properties, LLC, filed by Dana A. Walker, to a decision of the Architectural Review Board (ARB), for a Certificate of Appropriateness for the installation of siding, corner boards and window facings at 702 Marshall Avenue, S. W., was before Council.

Mr. Walker advised that in his presentation, he would present facts as to what the decision has not been about, followed by what the decision should be about, in addition to samples of proposed materials for Council's inspection. He stated that he would attempt to demonstrate that the Architectural Review Board's decision was not about needed repairs, moisture problems, encasement allowing further deterioration, installing gutters and down spouts, a front porch that was removed 20 plus year ago, long lasting paints now available, materials using the same design, maintaining the architecturally defining features of the building for character defining changes, absentee landlords, landlords taking money out of the community, landlords that do not maintain their properties and pretend to be uninformed about City ordinances, or those who start a project without the same design materials. He advised that the Architectural Review Board's decision was based on the obvious fact that not only do they not want vinyl in the historic neighborhoods and will not approve vinyl unless it is the only alternative, but the ARB believes that it has the privilege to ignore the City's current ordinance and work on its own agenda. He stated that all of the time that was spent discussing, confirming and securing styles, procedures and samples of proposed materials was a significant waste of time and effort because no products of the same design were going to be approved by the Architectural Review Board when considering the following: with amendments and changes, he fully cooperated by addressing every issue and concern that came out of the two Architectural Review Board hearings; he proposed to remove the 4 x 4 Dutch-lap siding, J- channel and corner boards and replace them with matching 5 x 5 Dutch-lap siding with integral J- channel for doors, windows and corners: he

proposed to cover windows and door facings and asked the Architectural Review Board to choose between the traditional, the fluted, or the three piece corner boards, of which the Board favored the three piece corner boards; and he proposed to secure and replace loose, deteriorated or missing original siding boards prior to installation of the vinyl and installation of gutters and down spouts. He added that the Architectural Review Board was reminded on two occasions by the Assistant City Attorney that the current ordinance allows vinyl in the historic district; and the Agent to the Architectural Review Board and the Chair of the Board were asked on two occasions to identify which repairs they were concerned with, however, to date no response has been received. He stated that the proposed amendments were omitted from staff comments prepared for the second Architectural Review Board hearing and had to be restated at the time of the hearing; he was recently informed by the Agent to the Architectural Review Board that last year the Architectural Review Board and the City Planning Department jointly decided to require a Certificate of Appropriateness on all vinyl siding projects, whether or not the same design materials were being used, but what she failed to state was that the action was taken without the approval of Council, although next month, an ordinance amendment will be formally presented to the Council for action. Until the current ordinance is changed, he requested that Council take the following into consideration: the ordinance allows vinyl in the H-2 District and requires that materials be of the same design, not the same type of material; the architectural compatibility is the desire, not the architectural duplication; the ordinance requires that the architecturally defining features be maintained and not duplicated, and the style of the vinyl and trim defines the character. He presented samples of proposed materials; i.e.: 5 x 5 Dutch-lap siding which is an identical match to the original siding that is currently on the house, an integral J-channel for doors, windows, and corners which will provide the same offset features as the original materials once the vinyl is installed, and a three piece corner which is an identical match to the original corner materials.

Robert B. Manetta, Member, Architectural Review Board, presented a report of the Board, addressing the history of the request:

On May 8, 2003, the Architectural Review Board considered the request of H & W Properties, LLC, as submitted by Mr. Walker, for a Certificate of Appropriateness approving synthetic siding being installed on a five-unit dwelling at 702 Marshall Avenue, S. W., at which time Mr. Walker stated that he was unable to keep paint on the house and wished to add

the vinyl siding in order to improve the property; some Board members expressed concern that the house was suffering from moisture damage because of a lack of gutters and down spouts which prevented the paint from adhering to the surface of the house.

Staff advised that synthetic siding is permitted in the H-2 District, provided that materials of the same design are used and the architecturally defining features of the building are maintained; the project was not using materials of the same design and therefore, required ARB review.

At the ARB meeting, Mr. Walker proposed different size siding materials and improvements to the front porch and stated that the Board should have a more lenient standard for properties on Day and Marshall Avenues.

A motion to approve the application failed and Board members voting against the application stated that the proposal was inconsistent with the guidelines because the proposed siding did not match the size and shape of the existing siding, window and door details, and material samples were not submitted; the Board also stated that siding is a character defining feature of the house; and the house is suffering from moisture damage that the improper installation of siding could exacerbate.

Mr. Walker filed an appeal of the Architectural Review Board's decision on June 5, 2003, and was heard by Council on June 16, 2003, at which time Council requested that Mr. Walker return to the ARB with major details on his proposal.

On July 10, 2003, the ARB considered Mr. Walker's amended application at which time he proposed to remove the 4 x 4 Dutch-lap vinyl siding that he had previously begun to install and replace it with 5 x 5 Dutch-lap vinyl siding, add an integral J-channel door and window trim, provide three options on corner boards, replace loose or missing original boards, and add gutters and down spouts; staff remained concerned with the proposal because the building lacked regular maintenance and needed to be repaired due to moisture problems as

a result of the lack of gutters and down spouts; and the application for synthetic siding for an improved appearance is not consistent with the H-2 Architectural Guidelines.

Comments from the ARB included that a building should only be covered with synthetic siding under the most compelling of circumstances, because it is not consistent with the architectural character of the historic district; encasing the building would allow further deterioration of the original material; and a motion to approve the application failed.

Mr. Walker filed an appeal of the Architectural Review Board's decision on August 1, 2003.

Mr. Manetta advised that Section 36.1-345(c) of the Zoning Ordinance provides: "The installation or replacement of siding ...shall not require a certificate of appropriateness, provided that such installation or replacement is performed using materials which are of the same design as those on the building, structure or landmark, and provided that such installation or replacement maintains the architectural defining features of the building or landmark."

He advised that the H-2 Architectural Design Guidelines adopted by the Architectural Review Board and endorsed by Council state that historic wood siding is a distinctive feature of many Roanoke residences and that changing or covering siding can often alter or destroy the authentic character of a building; and guidelines further recommend that the following be considered specifically when evaluating the installation of synthetic siding:

Do not replace sound historic siding with new materials to achieve an "improved" appearance. Historic wood siding is a distinctive feature that helps to define the visual characteristics of a building.

Retain existing siding: identify and keep the original exterior siding materials as well as any unique siding.

Mr. Manetta advised that the Architectural Review Board recommends that Council affirm the Board's decisions and deny the issuance of a Certificate of Appropriateness for property located at 702 Marshall Avenue, S. W.

Ms. Sarah Muse, 617 Sixth Street, S. W., representing Block Pride Association of Day and Marshall Avenues, a group of approximately 340 homeowners and renters of Day and Marshall Avenues, advised that with encouragement and support from the City of Roanoke, the Department of Public Works, the Department of Solid Waste Management and the Clean Valley Council, the Association has helped to motivate homeowners, property owners and residents to clean up debris and bulk items from streets, yards and alleys in a ten block area. Because of block pride, she stated that they have helped to promote major revitalization, with 12 homes currently being restored to their original historic character, leading to increases in property values, removal of an average of 12 tons of debris during each cleanup, and improved the quality of life and safety of residents, mainly by getting to know their neighbors and encouraging neighborhood pride. She advised that seven houses have been sold this year on Day and Marshall Avenues to energetic persons who will restore and live in the historic structures, which is encouraging to the growth and vitality of downtown living. She asked that the City help the neighborhood to continue the trend of revitalization and restoration of its historic district, and advise all property owners to abide by the H-2 Guidelines endorsed by City Council and those standards set by historic districts in the Commonwealth of Virginia. She stated that 702 Marshall Avenue, located in the Southwest Historic District, owned by Mr. Dana Walker, has been a rental property for many years, containing a total of five units; the property has been neglected with only minimal repairs in order to pass rental inspection; and the house is missing gutters, a safe front porch, has major moisture issues which could lead to significant health issues in view of mold and mildew. She added that Mr. Walker wishes to cover the original historic fabric of the house with synthetic siding; however, siding has been proven to seal in moisture if a problem already exists, thus increasing the moisture problem, leading to health issues for tenants, destroying the house, and decreasing property values. During the Architectural Review Board meeting, she stated that Mr. Walker advised that the Board should have a more lenient standard for properties on Day and Marshall Avenues; whereupon, she advised that this statement reflects a perception that is out of touch and unwarranted, because there are many hard working people who are making a difference in the historic neighborhood, bringing back the structural integrity and the original architectural features of historic homes in the area, while building a strong community. She added that if anything, there should be more stringent standards set by the H-2 Guidelines; 702 Marshall Avenue is a visible structure and architectural features should be restored; the structure is an eyesore as it currently stands and will become an even greater problem if moisture issues are not addressed and if the historic fabric of the house is changed. She

invited the Members of Council, the City Manager and Mr. Walker to participate in a walking tour of Day and Marshall Avenues, in order to showcase the progress of restoration and the vitality of this historic neighborhood.

Mr. Jim Haynes, 545 Day Avenue, S. W., advised that it is time to change the stigma of most non-residents toward the Marshall Avenue area, or the idea that the area should be allowed to continue the spiral that absentee landlords promote, however, this change cannot effectively happen without the help of City government. He further advised that his personal experience with the City Planning Department and the Architectural Review Board has been helpful; their knowledge base and willingness to work with him has been a necessity in restoring properties in the area and by working together they have achieved the goal of restoring beautiful and affordable homes which should grace the City for another 100 years. He stated that Council has an opportunity to start now with a change for the neighborhood; Mr. Walker and other principles of H & W Properties purchased the house at 702 Marshall Avenue, which was designated as a Historic District prior to the date of purchase, and now they wish to change the rules in order to take a “band-aid” approach to improvements to the house. He asked that Council deny the request and require landlords of Day and Marshall Avenues to step up to the plate and to maintain and to renovate their properties within the guidelines of the City Planning Department and the Architectural Review Board.

Valerie Eagle, 1225 Third Street, S. W., President, Old Southwest, Inc., advised that the neighborhood organization is dedicated to combating community deterioration and, as such, they support the work of the Architectural Review Board. She stated that the Board has been effective in reducing the use of synthetic building materials in the historic district so that the architectural elements which define the buildings can be seen, as well as preserved; and when synthetic siding is used, many underlying problems such as leaks, gutter failures and structural cracks are hidden from view and go undetected for long periods of time, causing irreparable damage. She stated that she is a real estate broker engaged in the practice of selling on a daily basis in old southwest, as well as other parts of the Roanoke Valley; as such, she is interested in preserving the property rights of individuals, but the historic district is similar in nature to deed restrictions in other neighborhoods, and property owners and investors are aware of the historic overlay and its oversight by the ARB; investors in particular should be keenly aware of the benefits of ARB enforcement and should want to make modifications that are in keeping with ARB guidelines because of the positive effect on rising property values

in the Historic District. She advised that it is especially important in the areas of Elm, Day and Marshall Avenues, which have been the slowest streets to increase in value, with some of the finest examples of historic characteristics. She stated that Old Southwest, Inc., will hold a walking tour of the area on Thursday, September 18, 2003, at 7:00 p.m., and invited the Members of Council and the City Manager to participate in the tour in order to see the condition of properties that have been left to the wishes of absentee landlords who do not voluntarily meet the spirit, or the letter of the Historic Guidelines. She advised that denying the appeal of H & W Properties will show support for work of City Planning staff, the Architectural Review Board, and Old Southwest, Inc.

Ms. Jackie Cannaday, 424 Washington Avenue, S. W., a resident of Old Southwest, and a Member of the Board of Directors of Old Southwest, Inc., spoke in support of the work of the Architectural Review Board, and stated that every house in old southwest, regardless of its location and use, should have its architectural integrity maintained. She added that the old southwest neighborhood is one of the jewels of Roanoke and it is the City's duty to maintain the rich history of the area.

Mr. Paul Economy, 536 Day Avenue, S. W., a member of the Board of Directors of Old Southwest, Inc., read a statement of the Board of Directors advising that the Historic District of old southwest is a valuable asset to the City of Roanoke; at one time old southwest was considered to be the premier neighborhood in the City, and residents aspire to attain that reputation once again. He stated that the value of old southwest comes in a multitude of architectural styles, with many architectural details that grace each home, whether it be a large mansion or a small bungalow; few other neighborhoods in the Commonwealth of Virginia contain so many diverse examples of housing between 1890 and 1930; and Council has appointed and charged the Architectural Review Board with the responsibility of ensuring that work on these structures will preserve the architectural features and the historic characteristics of each building and the neighborhood as a whole. He stated that the Board of Directors supports the efforts of Old Southwest, Inc., to retain existing forms, features and materials of historic properties which are the essence of the district; the Board endorses the Secretary of the Interior's standards of rehabilitation which are based on the premise that retention of historic materials and features and their craftsmanship are of primary importance, and the use of vinyl or aluminum siding is not recommended. Therefore, on behalf of the Board of Directors, he expressed opposition to the use of synthetic siding on existing historic properties unless no other option is available, because replacing or recovering wood siding

severely diminishes the unique aspect of historic materials and craftsmanship; in most cases, application of such material entails removing architectural details such as window headers, corner boards and distinctive siding of shingle patterns and also flattens the three dimensional profile with marks of each building's uniqueness; changes to character defining features of buildings also alter the visible relationship between buildings when character defining details are covered or removed from numbers of buildings in the Historic District, and the character of the entire district could be seriously damaged. He advised that synthetic siding has been used with the implication that it is a maintenance free product; however, it is frequently used as a cosmetic fix over peeling paint, stains, or other signs of deterioration which can progress unnoticed to become major structural problems; it is not a substitute for proper repairs of ongoing maintenance; and with the advent of a new long duration paint, the argument of synthetic siding as an economical alternative is not necessarily valid. In summary, he stated that the Board of Directors of Old Southwest, Inc., believes that if old southwest is to retain its historic charm, uniqueness and reputation as one of Virginia's outstanding historic districts, the use of synthetic siding is inappropriate and should not be approved by the Architectural Review Board unless no other option is available. Therefore, he requested that Council uphold the decision of the Architectural Review Board and deny the appeal for Certificate of Appropriateness requested by the petitioner.

Mr. Edwin C. Hall, 218 23rd Street, S. W., advised that the owners of the property located at 702 Marshall Avenue, S. W., are not absentee landlords, but are and have been residents of the City of Roanoke for most of their lives. He explained that his purpose in appearing before Council is not to determine whether vinyl siding is appropriate or inappropriate, but to state that the ordinance allows vinyl siding. He advised that the intent is to maintain and to repair a deteriorating piece of property. He asked that Council consider the legal basis for the appeal of the Architectural Review Board's decision and consult with its legal counsel because it is believed that the request is appropriate under the City's current ordinance.

The Mayor initiated discussion with regard to the cost of vinyl siding, verses wood, and whether or not building code regulations exist that govern the installation of vinyl siding over wood in areas of the City other than the Historic District.

Mr. Bestpitch advised that the primary function of the Architectural Review Board is to determine what is appropriate and what is not appropriate within the context of the Historic District; and how does the request change or modify the district as a whole, and not just the specific property under discussion. He stated that there is only one reason to have a Historic District – to encourage the preservation of historic neighborhoods and to ensure property owners that when they purchase and make major investments in restoring and maintaining homes in their original architectural character, that another property owner will not be allowed to do something to their property that devalues the investments of other property owners. He stated that the City of Roanoke should identify incentives to recognize and to reward those property owners who are trying to do their best for the Historic District.

Based on evidence, testimony and documents presented to the Council, Mr. Bestpitch moved that the decision of the Architectural Review Board on July 10, 2003, be affirmed, and that no Certificate of Appropriateness be issued for the installation of siding, corner boards and window facings at 702 Marshall Avenue, S. W., as set forth in the petition for appeal on the grounds that the proposed installation would not maintain the architectural defining features of the building. The motion was seconded by Mr. Cutler and unanimously adopted.

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

NUISANCES-INDUSTRIES-EQUIPMENT-STREETS AND ALLEYS: Mr. Chris Craft, 1501 East Gate Avenue, N. E., referred to overgrown weeds at the corner of East Gate Avenue and 13th Street, which is creating a traffic hazard; the need for guard rails along the steep portion of Tinker Creek; and the existence of underground gas tanks at the former Getty convenience store near the Roanoke Center for Industry and Technology.

COMPLAINTS-HOUSING/AUTHORITY-CITY EMPLOYEES: Mr. Robert Gravely, 3360 Hershberger Road, N. W., expressed concern with regard to the City's aging infrastructure, the need for creation of more jobs leading to home ownership for citizens, and sufficient wages for City of Roanoke employees.

At 9:25 p.m., the Mayor declared the meeting in recess until Friday, August 22, 2003, at 9:30 a.m., at the Roanoke Valley Resource Authority Community Room, 1020 Hollins Road, N. E., for a joint meeting of Roanoke City Council and the Roanoke County Board of Supervisors, for an update on the proposed Regional Water and Sewer Authority.

The Monday, August 18, 2003, regular meeting of the Council of the City of Roanoke reconvened on Friday, August 22, 2003, at 9:30 a.m., in a joint session with the Roanoke County Board of Supervisors in the Community Room, Roanoke Valley Resource Authority, 1020 Hollins Road, N. E., with Mayor Ralph K. Smith and Chairman Joseph P. McNamara presiding.

ROANOKE CITY COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., Linda F. Wyatt and Mayor Ralph K. Smith-----5.

ABSENT: Vice-Mayor C. Nelson Harris and Council Member Alfred T. Dowe, Jr.-----2.

ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT: Michael W. Altizer, Joseph B. Church, Richard C. Flora, H. Odell "Fuzzy" Minnix and Chairman Joseph P. McNamara-----5.

ABSENT: None-----0.

OFFICERS PRESENT: Representing Roanoke City: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; and Michael McEvoy, Director of Utilities.

Representing Roanoke County: Elmer C. Hodge, County Administrator; John M. Chambliss, Jr., Assistant County Administrator; Paul Mahoney, County Attorney; Diane D. Hyatt, Chief Financial Officer; and Gary Robertson, Director of Utilities.

The meeting was opened with a prayer by Mr. Chambliss.

The purpose of the meeting was to provide an update on the proposed Water/Waste Water Authority.

Ms. Burcham advised that at the last meeting of Council and the Board of Supervisors in February, 2003, staffs of Roanoke City and Roanoke County recommended certain principles upon which a Water and Wastewater Authority would be formed with the entities of the City of Roanoke and Roanoke County; the purpose of today's meeting is to demonstrate the continued enthusiasm on the part of both staffs for the formation of an Authority and to share details of their work over the past six months. She stated that County and City staffs have met at least every two weeks and many employees have joined in the process of reviewing various aspects of the formation of the Authority. She advised that the two staffs are looking toward an implementation date of July 1, 2004, which will require numerous activities that the Council, the Board of Supervisors and their respective staffs will be engaged in.

Mr. Hodge advised that a vast amount of work has been done and the two staffs have worked together as a team, addressing virtually all issues. He called attention to numerous meetings yet to be held to obtain the input, leadership and advice of the Board of Supervisors and City Council, and community meetings will be held with the constituencies of both Roanoke City and Roanoke County. He referred to certain key dates to address legal issues that will require approval of the Board of Supervisors, City Council and the State Corporation Commission.

Mr. McEvoy and Mr. Robertson presented an overview of the time line necessary for the Authority to be operational by July 1, 2004:

- Finance Officers from both localities will review information regarding technology and finance issues that will need to be resolved. The City Attorney and the County Attorney will discuss the mechanics of how the Authority will be formed and decisions of the governing board that will oversee the Authority.**
- Over 20 employee teams have been appointed, City and County employee teams have met to discuss every issue from financial, operational, human resources, etc., and will most likely continue to meet until the implementation date; a newsletter is prepared to keep employees up to date on progress and decisions.**

- **Several joint meetings between the two governing bodies will be held over the next several months to discuss progress and to consider certain actions that the two governing bodies will need to take in order to make the Authority a reality by the July 1 deadline, which will include discussions in connection with Articles of Incorporation and membership on the Authority's Board, as well as financial issues regarding rate and asset studies.**
- **Roanoke County has scheduled community meetings for each of its magisterial districts, which will be held at each of the five County high schools. The first meeting is scheduled for Thursday, September 11, at Hidden Valley High School, followed by September 15 at Cave Spring High School, September 16 at William Byrd High School, September 25 at Glenvar High School, and September 30 at North Side High School, all beginning at 6:00 p.m., and continuing until all questions have been addressed.**
- **An employee team is currently reviewing development issues; Roanoke City and Roanoke County have planning offices that engage in planning review and subdivision development in specific manners, and a study of integration of utility functions of the departments is underway, with a draft report expected by the early winter time frame.**
- **Roanoke County and Roanoke City have jointly engaged the firms of Black an Veatch and Draper Aden Consultants to prepare a rate study and asset evaluation of both County and City facilities and draft studies are due by October 13.**
- **At a joint meeting of City Council and the Board of Supervisors which has been scheduled for November 19, the two bodies will be requested to approve Authority Board membership.**
- **The final rate study and asset report will be due on January 1, 2004, and should incorporate comments as a result of draft review.**

- The Human Resources team will review mechanics associated with insurance and retirement plans/benefit plans; the employees are the City's and the County's greatest resource, they have many concerns and questions, therefore, a draft report will be available by January 1, 2004, which will address issues regarding employee insurance, benefits, etc.
- It is proposed to hold another joint meeting of Council and the Board of Supervisors in mid January 2004 to approve the rate study and to discuss formation of the Authority.
- The Finance team, composed of Jesse Hall, Diane Hyatt and their respective staffs, have addressed debt issues and financial applications, with a financial report projected for early spring of 2004.
- The Articles of Incorporation will be submitted to the State Corporation Commission by February 1, 2004, for approval.
- Informational flyers will be mailed in the Spring of 2004 to City and County customers advising of those actions that have been taken by the two governing bodies, listing changes that customers can expect when the Authority is operational on July 1, 2004, and because many of the utilities in the City of Roanoke are located in the public rights-of-way, it will be necessary to hold public hearings during the March time frame regarding a franchise that will allow the Authority to work within City rights-of-way.
- Staff will finalize the first Authority budget in the Spring of 2004.
- The Technology team will complete draft reports by the Spring of 2004, looking at not only financial applications, but a joint billing system.
- Additional joint City-County community meetings are proposed for the time frame of February - April 2004.

- If the State Corporation Commission approves all submittals, the first Authority Board meeting could be held in the April 2004 time frame, at which time the Authority will adopt operating By-Laws and procedures and engage in a budget workshop.
- It may be necessary to hold another joint meeting of Roanoke City and Roanoke County in May/June 2004 to address remaining issues.
- The second Authority Board meeting could be held in May 2004, which would be targeted toward adopting a budget to allow the Authority to be fiscally solvent, effective with the new fiscal year beginning July 1, 2004.
- The third Authority Board meeting could be held in the mid-June time frame to adopt the Authority's general operating policies and to authorize contracts.
- A joint meeting of City Council, the Board of Supervisors and the new Authority Board will be held at the end of June to celebrate the new Authority, which is proposed to be operational by July 1, 2004.

(See time line on file in the City Clerk's Office.)

Mr. Hall presented a briefing on technology and financial support:

- One of the principles that the team started out with was the idea that most of the financial and technology support services would be provided on a contractual basis by one or the other of the localities which would reduce start up costs, enable an earlier start up and allow the Authority to have the best of both worlds regarding software and technology, while providing use of the newest system of either locality.
- Financial and accounting services will be provided by Roanoke County which will include the general ledger, fixed assets, budgeting and purchasing, the human resources system and payroll services.

- The City of Roanoke will provide utility billing services, since the City has newer software than Roanoke County, with the ability to accommodate County accounts into the system.
- A final recommendation has not been made regarding collections, however, the guiding principle is that the process must ensure convenience to customers in remitting payments.
- Both localities currently use Motorola systems, and the City's Lotus Notes system will be used for e-mail.
- A separate website will be developed for the Authority.
- Imaging for records storage will be performed using the City's system. The remote monitoring system for flows and levels will be a combination of City and County systems, and the Authority will develop its own network which will be integrated with City and County networks, since Authority employees will need access to systems within the network for both localities.
- Actions that need to be taken in the near future are: the City's system for billings is in need of a hardware upgrade in order to have the capacity to add Roanoke County accounts for billing purposes, the system needs an expanded software license for billing, potential staff augmentation will be needed prior to start up to address integration and transition of data, the cost of which will be billed back to the Authority.

(See Technology and Financial Support briefing paper on file in the City Clerk's Office.)

Ms. Hyatt reviewed issues relating to the debt of Roanoke County and Roanoke City and related fixed assets.

- Currently, the City of Roanoke has the following outstanding utility debt and net fixed assets (net fixed assets refer to the cost of the assets, less the accumulated depreciation on the assets.) -- a water debt of \$24 million, a sewer debt of \$14 million, for a total of \$38 million; and net fixed assets in water of \$50 million, sewer of \$94 million, for a total of \$144 million.

- The City records the entire asset for the Wastewater Treatment Plant, although other localities, including Roanoke County, share debt in their portion for the upgrades that were recently completed.
- All City debt is General Obligation Bonds, which are the most flexible kinds of debt, and as General Obligation debt, there are no restrictions on the transfer of assets to the Authority.
- The City can enter into an agreement with the Authority to transfer the assets, and in exchange, the Authority will make payments to the City to equal the debt service coverage.
- The County of Roanoke has outstanding utility debt in the water fund of \$56 million, in the sewer debt of \$18 million, for a total of \$74 million; in net fixed assets, water has \$82 million, sewer \$25 million, for a total of \$107 million. Included in these numbers are \$16 million of sewer debt for the County's share of the completed upgrades to the Wastewater Treatment Plant.
- Since Roanoke County currently does not have ownership in the Wastewater Treatment Plant, such is not included in fixed assets. Only a small portion of the County debt is General Obligation debt, which can be handled in the same way as the City's debt as described above.
- The majority of the County's debt is Revenue Bonds which place restrictions on the sale or lease of the County's assets.
- Revenue bonds of the County can be broken down into two categories:
 1. Sewer debt financed through the Virginia Resources Authority, or VRA; the County's sewer revenue debt totals \$16 million and is financed through the VRA; the Master Indenture for this debt provides that the system may be transferred and the debt may be assigned to another entity, with the written consent of VRA. In order to give its consent, the Authority must go through the same credit analysis process that the VRA engages in on all loan applicants to ensure that revenues generated from the system are sufficient to meet debt service. VRA requires a 115 per cent coverage of net revenues to debt service.

2. **Water revenue debt which is bound by the County's 1991 Master Indenture restrictions when it sold original bonds for the reservoir; County water revenue debt totals \$55 million and falls under the 1991 Master Indenture. This document provides that the County cannot lease, sell, encumber or otherwise dispose of the system without the consent of two-thirds of the bondholders.**
 - **The best option at this point appears to be a refinancing of the bonds in order to obtain different restrictions. Through a refinancing, money can be saved; however, market rates have shifted in the last two months, therefore, savings may not be as great as they were at one point; and provisions of the Indenture can be changed. Provisions of the 1991 Indenture included a proposed reservoir and distribution system, therefore, they had to be somewhat stricter, but the system has now been operational for seven years, and there is a certain amount of history to support making the covenants less restrictive.**
 - **Two of the main things that are desired to be accomplished include use of off-site facility fees as part of the revenues when computing the revenue coverage, and allow the transfer of assets and debt to the new Authority. The Virginia Resources Authority advises that it can accomplish both of these goals if refinancing is done through VRA.**
 - **Roanoke County is currently in the process of applying for the Fall 2003 Bond pool to be sold by VRA, which bonds will sell in December 2003; refinancing through the VRA also provides the advantage that all revenue debt on sewer and water will be with one entity and will facilitate the transfer of assets and debt.**
 - **Roanoke County and Roanoke City are currently in the process of finalizing VRA Revenue Bonds for the next phase of the Wastewater Treatment Plant; both localities are following the same procedure to inform VRA as to the locality's intent; i.e.: the City will borrow \$23 million and the County will borrow \$11 million, with the bonds currently scheduled to close in October 2003.**
 - **As with other VRA debt, it is planned to transfer debts to the Authority with the credit approval process.**

(See briefing paper on file in the City Clerk's Office.)

Mr. Hackworth reviewed provisions of the Virginia Water and Waste Authority Act:

- **The Act has been effective for many years and has been used by numerous Authorities throughout the Commonwealth of Virginia. The Act was used to create the Roanoke Valley Resource Authority.**
- **The Authority will have broad powers in the provision of water to provide for impalement, treatment and delivery of water to citizens.**
- **The Act allows the Authority to engage in all aspects of collection and treatment of wastewater, although wastewater is not proposed at this time.**
- **Storm water management is a logical extension of the powers of an Authority because storm water is a regional issue and not an issue that any one locality alone must address, therefore, the provision will be kept in mind as work proceeds on the Authority, should the political decision be made at some point in the future to add wastewater to the powers, duties and responsibilities of the Authority.**
- **Enabling legislation allows an Authority to be created very simply. In this case, it requires a concurrent resolution, or ordinance, or agreement between the two localities, which document must be set out in the proposed Articles of Incorporation that will be filed with the State Corporation Commission.**
- **Acts of Incorporation require the inclusion of a name for the Authority, names of participating localities, names, addresses and terms of office of initial members of the Board of the Authority, the purposes for which the Authority is created, and the number of Board members from each locality.**
- **It is proposed that the Authority will engage in the process of identifying future water sources, although such will not be specified in the By-laws so as to allow the Authority to have the broadest powers authorized by enabling legislation and to not limit the Authority to perform any particular project.**

- **Once City Council and the Board of Supervisors have acted on a concurrent resolution, the document is required to be submitted to the State Corporation Commission for approval.**
- **Enabling legislation provides for the joinder, or addition, of other localities to an Authority after the Authority is created.**
- **The Act requires that there not be fewer than five members to the Board of the Authority. The Board of Supervisors and the Council have agreed in principle by the adoption of a resolution that there will be equal representation on the Authority; and it is proposed that there be three members from each jurisdiction as appointed by the governing bodies.**
- **The dilemma of a tie vote may be created which will be addressed by Mr. Mahoney.**
- **Enabling legislation allows elected officials from the governing bodies to serve on the Authority Board; initially Board members would be appointed for staggered terms which would be set out in the Articles of Incorporation, members would be appointed for initial terms of four years, and Board members could succeed themselves. Once a Board is created, it would be required to elect a Chair, a Secretary and a Treasurer, which two offices could be combined. The law does not require that the Secretary and Treasurer be members of the Board, therefore, the Board could elect a staff person from one of the jurisdictions.**
- **Once the Authority is created, it would adopt By-Laws. If a Board member should resign or leave office for a specific reason, a replacement would be selected by the governing body which made the initial appointment of the position. Board members are allowed to receive compensation for their services and compensation would be set by the governing bodies who are members of the Authority, and Board members are allowed to receive compensation or reimbursement for expenses in performing their duties.**
- **Enabling legislation allows for appointment of alternates, although such is not recommended by the staffs of the City and the County.**
- **Once the Authority is created, it would have the power to appoint a Chief Administrative Officer.**

- **Once the Authority is created, it would have the same power as any corporation or governmental corporation, it would have a term of existence of 50 years, authority to adopt its own By-Laws and internal operating regulations, selection of the location of its office, the full power to sue and to be sued as a legal entity, the power to acquire property, both within and without the jurisdictions of Roanoke City and Roanoke County, the right of eminent domain, the power to acquire property with and without those jurisdictions exercising that power; the Authority would not have the authority to condemn property of either the City or the County without the permission of the City or the County; the Authority would be subject to the land use regulations and Comprehensive Plan of whatever jurisdiction wherein a facility is to be located; and a special requirement that if an impoundment system, or reservoir or dam are to be constructed in any locality, such would require the consent of the governing body of that locality.**
- **Once created, the Authority would have the power to issue revenue bonds which would be payable from revenues of the Authority.**
- **The Authority would have the power to combine its water and sewer system into a single system for purposes of operation and financing, the power to borrow money just like a locality, and once created, enabling legislation allows any political subdivision to lend, advance or give money or property to such Authority.**
- **Once created, the Authority is authorized to fix, charge and collect fees for both water and waste water treatment, and the power to set connection fees for water and sewer, with rates and fees that are to be fair and reasonable. In setting such fees, the Authority would be required to provide ample public notice by advertising, holding a public hearing and providing notice to the City and County governing bodies before acting to establish any rate or fee.**
- **Administrative work for the Authority would be contracted for through the County or the City.**
- **Once the Authority issues revenue bonds, those bonds are strictly the obligation of the Authority; bonds do not constitute debt of either locality, and there is no pledge of the full faith and credit of either locality for the bonds.**

- Once the Authority is created, none of the property, or its assets, would be subject to local taxation.

(See Virginia Water and Waste Water Authority Act in file in the City Clerk's office.)

Mr. Mahoney reviewed the proposed Articles of Incorporation:

- The Authority needs a name that will represent the brand of the Authority.
- Membership is recommended to be six; and the Virginia Water and Waster Water Authority Act requires at least five members. In February 2003, the Board of Supervisors and City Council adopted guiding principles to direct staff and emphasized equal representation for the City and the County, and six members are suggested which is a manageable number. Membership must be identified no later than November 2003 to meet statutory requirements with respect to notice and advertising for adoption of a measure in January 2004 by both localities, to be forwarded to the State Corporation Commission.
- A tie breaker methodology is needed. Alternatives are: (1) a tie breaker does not have to be appointed; (2) the Authority Board could appoint the tie breaker; (3) a Circuit Court Judge could appoint the tie breaker; (4) there would not be equal representation by both localities on the Authority; and (5) appointment of a person to be agreed upon by both the Council and the Board of Supervisors who would act as the tie breaker. Guidance is requested from the Board of Supervisors and City Council.
- No decision by the Council and the Board of Supervisors is requested at this time, however, it is requested that the decision be made by the November 19, 2003 meeting of the two bodies.

(See proposed Articles of Incorporation on file in the City Clerk's Office.)

During a discussion of the matter, a suggestion was offered that each locality would appoint its initial three members to the Authority Board and a majority of the Board would agree on a seventh member, which would allow flexibility for each jurisdiction to determine the number of elected officials, City staff, citizen appointments, etc.

Question was raised in regard to establishing compensation for the Authority Board; whereupon, Mr. Mahoney advised that it is a decision to be made by the Council and the Board of Supervisors.

It was noted by a Member of City Council that there may be potential localities that will be interested in future membership to the Authority that do not view themselves as what is traditionally thought of as the Roanoke Valley; the Roanoke Valley extends all the way from Roanoke City to the Albemarle Sound; whereupon, it was mentioned that the term "Blue Ridge Water and Waste Water Authority" might be viewed as more inclusive.

In response, Mr. Mahoney referred to Pages 1 and 2 of the proposed Articles of Incorporation which require an affirmative vote of a majority of the members from each political subdivision of the Authority in order to include additional members on the Authority, and any additional agreement with other political subdivisions, entities or persons for the bulk sale of surplus water or the acceptance and treatment of waste water.

Since the localities are potentially talking about storm water management, water based recreation, watershed management, etc., a Member of City Council suggested that consideration be given to using the term, "Water Management Authority" instead of "Water and Waste Water Authority".

A question was raised by a Member of Council in regard to holding joint City/County community meetings during the time frame of September/October; whereupon, the City Manager advised that to this point Council has not discussed the matter, therefore, staff requests direction from Council in regard to establishing community meetings in the City.

The City Manager inquired if the Council and the Board of Supervisors would like for their respective staffs to schedule another joint session in the near future. She suggested that as a part of the agenda, staffs would address the naming issue and share information on the various names that were proposed by employees. She called attention to the regional branding activity which is currently in progress and the possibility that the regional branding effort could yield a name, or portion of a name, that might be appropriate for the Authority.

There was discussion in regard to the importance of keeping both Roanoke City and Roanoke County residents informed as the process unfolds and that the governing bodies and their respective staffs should do all they can to promote the highest level of communication with City and County residents.

A suggestion was offered that future meetings will be less formal to enable Council and the Board of Supervisors to communicate around the table, that meetings be held at either a City or a County facility, and allow time for input by citizens of both jurisdictions.

With regard to regional community meetings, the County Administrator proposed that the meetings be held jointly to demonstrate a spirit of togetherness and cooperation to Roanoke Valley citizens, and joint meetings would provide the opportunity for City or County residents to attend a community meeting(s) of their choice, regardless of the location. Upon question, the City Attorney advised that it would be legally permissible for the two localities to hold joint community meetings in both Roanoke City and Roanoke County.

There being no further business, at 11:00 a.m., the Mayor declared the meeting of Roanoke City Council adjourned.

(The next joint meeting of City Council and the Board of Supervisors will be held on Friday, October 17, 2003, at 9:30 a.m., at the Roanoke County Administration Building, Fourth Floor Training Room, 5204 Bernard Drive.)

APPROVED

ATTEST:

Mary F. Parker
City Clerk

Ralph K. Smith
Mayor
